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*Attorneys for Defendant HOMEAWAY.COM, INC.*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MICHAEL FELLING, an individual,

Plaintiff,

vs.

HOMEAWAY, INC., a Delaware  
Corporation; GENERALI GLOBAL  
ASSISTANCE, INC., a New York  
corporation; MARCO JIMMERSON, an  
individual; DEVOYIOUS MARK, an  
individual; DOE individuals I through X;  
and ROE corporations and organizations I  
through X, inclusive,

Defendants.

Case No.: 2:20-cv-02014-GMN-BNW

**STIPULATION AND ORDER TO SET  
TIME TO FILE AMENDED COMPLAINT  
AND EXTEND DEFENDANTS' TIME TO  
RESPOND**

**(Second Request)**

**STIPULATION**

Whereas on November 10, 2020, Plaintiff Michael Felling and Defendant HomeAway.com, Inc. (erroneously sued as Homeaway, Inc.) filed a Stipulation to Extend Time for Defendant HomeAway.com, Inc. to Respond to the Complaint (ECF No. 9), extending HomeAway's time to respond until December 4, 2020;

Whereas an order approving the stipulation (ECF No. 10) was signed on November 13, 2020;

1 Whereas on or around December 1, 2020, Homeaway learned, for the first time,  
2 that Plaintiff intended to file an amended complaint on or before December 3, 2020, to,  
3 among other things, remove Generali Global Assistance, Inc., as an erroneously sued  
4 defendant and name Generali U.S. Branch as the proper party; and

5 Whereas the Plaintiff has not yet filed the amended complaint.

6 Now, therefore, based on the foregoing, the parties stipulate as follows:

- 7 1. Plaintiff will file his amended complaint on or before December 9, 2020;
- 8 2. Defendants need not respond to the current operative complaint (ECF No.  
9 1-2);
- 10 3. Defendants shall respond to the to-be-filed amended complaint within  
11 fourteen (14) days of its filing, consistent with Fed. R. Civ. P. 15; and
- 12 4. Defendants continue to preserve any all defenses they may have to any  
13 complaint, including, without limitation, any defenses related to lack of jurisdiction,  
14 improper venue, insufficiency of process, and insufficiency of service of process.

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This is the second stipulation for an extension of time for Homeaway to respond to the complaint. This stipulation is necessitated by the anticipated filing of an amended complaint. It would be inefficient for Defendants to respond to the current operative complaint only to have their response mooted when that complaint is superseded by the anticipated amended complaint.

Dated: December 4, 2020

KRISTA N. ALBREGTS, PLLC

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*Attorneys for Defendant Generali U.S. Branch (erroneously sued as Generali Global Assistance, Inc.)*

**ORDER**

**IT IS SO ORDERED**

**DATED:** 11:00 am, December 08, 2020

**BRENDA WEKSLER  
 UNITED STATES MAGISTRATE JUDGE**